

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIGHTRICKS LTD.,
Petitioner

v.

PLOTAGRAPH, INC. and SASCHA CONNELLY,
Patent Owner

IPR2023-00153 and IPR2023-00154

DECLARATION OF NOA ROSENBERG-SEGALOVITZ

I. INTRODUCTION

1. My name is Noa Rosenberg-Segalovitz. I am over the age of twenty-one (21) years, of sound mind, and capable of making the statements set forth in this Declaration. I am competent to testify about the matters set forth herein. All the facts and statements contained herein are within my personal knowledge and they are, in all things, true and correct.

2. I am Vice President of Human Resources for Lightricks Ltd. (“Lightricks”) and have served in this capacity since January, 2023. I am also the General Counsel for Lightricks and have served in this capacity since November, 2021.

3. I am licensed to practice law in New York (reg. no. 4412029) and Israel (license no. 36205).

4. In my capacity as General Counsel, I am responsible for managing—and thus I possess direct and personal knowledge regarding—the various legal matters concerning Lightricks, including, among other responsibilities, processing and reviewing legal documents received by Lightricks.

5. In Israel, service of process for civil actions is governed by the Civil Procedure Regulations, 5779-2018 (the “Regulations”). Regulation 162(1) of the Regulations states that “[e]lectronic service of process shall not apply in the following cases: (1) if this is the first document to be filed in the matter or a

statement of claim, [it] shall be served upon an addressee that is not the court by mail or by personal delivery, unless the addressee agreed otherwise in writing.” This means that, in Israel, service of a complaint must be effected either by mail or personal delivery. Regulation 161(3) of the Regulations further specify that service by mail means “sending it via registered mail with confirmation of delivery ... to the [recipient’s] address.”

6. Lightricks’s Haifa office has a general manager. His responsibilities include reviewing any registered mail and (unless he is away) signing a confirmation of delivery for any such registered mail, as well as receiving any correspondence personally delivered to the office. Under Lightricks’s policies, any correspondence received by the office is opened and, if the correspondence pertains to a legal matter, is forwarded to Lightricks’s legal team, including me. Lightricks has an internal email address that any such documents can be sent to. All members of the legal team, including me, will receive documents sent to that internal email address. All received legal documents must be forwarded to me, which is a requirement not subject to anyone’s discretion.

II. DECEMBER 23, 2021 SERVICE ATTEMPT

7. I understand that in both IPR2023-00153 and IPR2023-00154, the Patent Owner and Mr. McZeal contend that EX2001 was served on Lightricks’s Haifa, Israel office on December 23, 2021, and that they include a “Certificate” from

Israel's Courts Administration purportedly certifying service on that office. POPR in IPR2023-00153 and in IPR2023-00154, 1-2; EX2002 in IPR2023-00153 and IPR2023-00154, ¶¶ 2-4, pgs. 4-5. I did not receive a correspondence containing EX2001 that had been delivered to Lightricks's Haifa, Israel office. I understand that the Haifa office's general manager—Idan Megadish—did not receive any such correspondence, and is unaware of any such correspondence being delivered to the Haifa office. EX1030, ¶4.

8. The "Certificate" of service states that delivery was made to "The Addressee himself" without identifying that individual, and I am unaware of who in the Haifa, Israel office might be "The Addressee himself" referenced in the "Certificate." EX2002 in IPR2023-00153 and IPR2023-00154, pgs. 4-5. I further note that the "Certificate" of service does not include the full address of Lightricks's Haifa, Israel office: it states that the documents were served "At Andrei Saharov 9 Street, Haifa 3508409 Israel," but that is the general address for a large business park called Matam Park in which there are least 17 buildings that provide office space for dozens of companies other than Lightricks. EX2002 in IPR2023-00153 and IPR2023-00154, pgs. 4-5. EX1031 at pg. 1 is a true and correct copy of a map of Matam Park addressed in the "Certificate" of service, *available at* <https://www.matam.co.il/wp-content/uploads/Map-of-Matam-Park-2021.pdf>, and EX1031 at pgs. 2-5 is a true and correct copy of a list of "[t]he [Matam] [P]ark's

office buildings,”¹ *available at* <https://www.matam.co.il/en/buildings/>. EX1031 reflects the large size of Matam Park (which has “[a] mix of various office buildings [that] accommodate the 70 companies and 12,000 employees in the park”). Lightricks’s Haifa, Israel office is located in “Building 22” of Matam Park.

9. Because, (1) as explained above in paragraph 6, any correspondence to Lightricks’s Haifa, Israel office should have been received by the general manager and—if containing EX2001, which pertains to a legal matter—forwarded to me, (2) the “Certificate” of service reflects that the purported service attempt was directed to an address that, as explained above in paragraph 8, is not the full address of Lightricks’s Haifa, Israel office, and (3) neither the general manager nor I received that correspondence, upon information and belief EX2001 was not delivered to Lightricks’s Haifa, Israel office.

¹ Of the 15 entries listed on this page, the second-to-last—“מבנה חניה”—is a “Parking structure” and the last—“מתחם בנייני 5”—is “Building complex 5” whose accompanying description is “בניינים בני 4 קומות כל אחד, בשטח כולל של כ-20,000 מ”ר 4,” meaning Building complex 5 contains “4 buildings of 4 floors each, with a total area of about 20,000 square meters.” See EX1031 at 5. I am fluent in both English and Hebrew, and I attest that these translations of the referenced Hebrew text in EX1031 are accurate.

III. JANUARY 4, 2022 SERVICE ATTEMPT

10. On January 4, 2022, Lightricks received a letter at Lightricks's Jerusalem office, located at Professor Racah St, Building 5.4, Jerusalem, Israel, 9190401. EX1028 is a true and correct copy of that letter.

11. As shown, page 1 of the EX1028 letter is a cover page containing Hebrew text. *See* EX1028, 1. EX1029 is an English translation of this cover page. I am fluent in both English and Hebrew, and I attest that the translation is accurate.²

12. The EX1028 letter's cover page states that the letter was from the Israel Courts Administration Legal Assistance to Foreign Countries and contains "documents" sent "in accordance with international treaties signed by Israel with the nations of the world and in accordance with the Law on Legal Aid between States, 1998-55." *See* EX1029.

13. Page 2 of the EX1028 letter is titled "Request for Service Abroad of Judicial or Extrajudicial Documents." EX1028, 2. This page indicates that "documents listed below" have been requested to be sent to Lightricks's Jerusalem

² The top of the header specifies, in Hebrew, that the correspondence is from the Courts Administration, which the bottom of the header reiterates in English. Because a translation of this portion would accordingly be redundant, the Hebrew and Arabic portions of the header are left untranslated.

office by Ancillary Legal Corporation, 2900 Chamblee Tucker Rd., Building 13, Atlanta, GA 30341. EX1028, 2.

14. The remaining pages of the EX1028 letter consist of a notice letter for the “Date and place for entering appearance” (EX1028, 3), “Summons in a Civil Action” (EX1028, 4), “Proof of Service” (EX1028, 5), and “Plaintiff’s Original Complaint and Demand for Jury Trial” (EX1028, 6-18).

15. No other documents were included in the EX1028 letter. Particularly, “Plaintiff’s Original Complaint and Demand for Jury Trial” within the EX1028 letter purports that various exhibits have been attached. *E.g.*, EX1028, 10 (“Attached as Exhibit A hereto is the 2018 cease and desist letter.”), 11 (“A true and correct copy of the ‘017 Patent is attached as Exhibit B.”), 13 (“A true and correct copy of the ‘342 Patent is attached as Exhibit C.”), 15 (“A true and correct copy of the ‘469 Patent is attached as Exhibit D.”). No such exhibits were attached, however.

IV. CONCLUSION

16. All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Dated: June 21, 2023

DocuSigned by:

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Noa Rosenberg-Segalovitz